

# What Other States Should Know About Wisconsin's Child Support Program

## Bureau of Child Support (Organization)

- WI Child Support (CS) Program is state administered and county operated. The WI Bureau of Child Support (BCS) is part of the Department of Children and Families (DCF) and is located in Madison.
- The Wisconsin Child Support (CS) Program is administered by BCS and operated in each county by each local county CS Agency. There are 71 local county Child Support Agencies in Wisconsin.
- The WI Central Registry, within BCS, receives all new interstate requests and upon review forwards them to the appropriate county.
- Wisconsin is a judicial state. All of Wisconsin's orders are set judicially and must be signed by a court commissioner or judge.
- The Wisconsin KIDS (Kids Information Data System) system maintains the official financial records for both IV-D and non-IV-D cases. By law, all payments on WI orders (both IV-D and Non-IV-D cases) are required to be made through the WI SCTF (Wisconsin Trust Fund). Wisconsin IV-D case load was 361,180 as of the end of FFY2013.

## Website

- WI has a website clients can access child support payment information on their case and provide other WI child support information.
- Please encourage clients to register at: [www.childsupport.wisconsin.gov](http://www.childsupport.wisconsin.gov)

## TANF/Medicaid Referrals

- WI receives a referral from IV-A when TANF (called W-2 in Wisconsin) is being received for a child when one parent is not in the household. WI passes through 75% of support collected to current TANF clients and 100% to former TANF clients.
- Economic support agencies in WI are required to refer all Medical Assistance (Title XIX) cases to the child support programs and certain Badgercare (Title XXI) cases when one parent is not in the household.

## Applying for IV-D Services/Collection of Fees

- There is no application fee for an applicant applying for IV-D services in WI (whether participants are on aid or not), non-aid applicants must complete an application.
- There is a \$65 annual receipt and disbursement (R & D) fee charge to the NCP per court case to process and record payment information. R & D fees are not charged on non-Wisconsin order interstate cases.
- There is an annual \$25 fee for Custodial Parents (CP) in IV-D and non-IV-D cases, except for current or former AFDC/TANF recipients. The fee is collected from maintenance, child or family support or arrearage payments after the first \$500 in support is collected in one year.

## Guideline Used to Calculate Child Support Orders

- Percentage of Income Standard. Percentage of payer's gross income to set at fixed dollar amt.
- Provisions for high-income payers, low-income payers, shared-placement, and split-placement.

## Interest

- As of April 1<sup>st</sup>, 2014, WI charges .5% per month simple interest on all arrearages greater than one month's worth of support. If a person misses the court-ordered periodic payment, the missed payments are charged interest.

## Emancipation

- The emancipation age in Wisconsin is 18, unless the child is still in high school or pursuing a course of education designed to lead to a high school diploma or its equivalent, in which case support continues until age 19.

### Unemployment Insurance Withholding/Worker's Compensation

- WI accepts request for Unemployment Insurance benefit withholding from other states. The request should be sent directly to DWD Unemployment Insurance Division, P.O. Box 7905, Madison, WI 53707. Requirement: Federal IW Notice.
- Direct withholding of NCP's Workman's Compensation can be done as well.

### State Tax Intercept

- WI can submit for state income tax refund intercept if the NCP has arrears equal to or in excess of \$150.

### Wisconsin Trust Fund (WI SCTF)-State Disbursement Unit

- WI statute requires that all child support payments (on IV-D and Non-IV-D cases) be made through the WI SCTF. This is also reflected in WI orders.
- No cash payments are accepted.
- Questions concerning payment of support can be directed to the Wisconsin Trust Fund at: 1-800-991-5530. The address for WI SCTF for mailing payments is: WI SCTF, PO Box 74200, Milwaukee, WI 53274. Interstate Box # for WI SCTF: WI SCTF, Box 74700, Milwaukee, WI 53274-0700.

### EPPICard/Debit Card

- A debit card where child support is issued directly to the CP unless the CP requests direct deposit.
- EPPIC can be contacted at 1-877-253-3686 and/or: [www.eppicard.com](http://www.eppicard.com)

### Obtaining Financial Documents

- The local Child Support Agency is the official keeper of payment histories. A certified payment history can be obtained from the local child support agency handling the case or by going through WI Central Registry.

### UIFSA TRANSMITTALS/CSENet

- WI uses the current federal forms.
- Wisconsin is a full CSENet state.

### Interstate Notification of Tax Collection

- In interstate cases, the **initiating** state (the state in which the public assistance assignment or non-assistance application for IV-D services has been filed) must submit the past-due support for tax offset.
- KIDS notifies other states when a federal or state tax intercept collection has been made. It also notifies other states when a recall/reversal has been made on federal or state tax intercept collections previously sent to the other state.
- If the other state has a CSENet agreement with Wisconsin to exchange all transaction types via CSENet, KIDS will automatically submit a CSENet transaction. If Wisconsin does not have an agreement with the other state to receive all CSENET transactions, KIDS will create the CSET#2 Subsequent Actions (IS15) document. The caseworker will send the transmittal documentation to the other state.

### FIDM

FROM "STATES ACCEPTING UIFSA TRANSMITTAL #3 FOR ACCT SEIZURE:

State	Accept UIFSA Transmittal #3	Address for receipt of UIFSA Transmittal #3	Notes
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Wisconsin	Y	Wisconsin Bureau of Child Support Attn: Katie Marek 608-264-9826 PO Box 7935 Madison, WI 53707-7935 Jim.Murray@wisconsin.gov	Another State IVD agency should attempt to send the levy notice directly to the WI bank. If the WI bank will not accept a direct levy the notice can be sent or emailed to the WI state office contact listed. WI will add a confirmation letter to the levy notice to confirm that due process is completed in your state. The bank will be instructed to send the funds levied directly to the other state. Due process must be completed prior to sending a notice to WI for the levy, along with proof that due process for the NCP is completed by the other state.
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### Change of Payee

- If the child receives TANF benefits through a non-parent relative, a referral is sent to the IVD Agency. The support order may be forwarded to the IVD Agency based on the type of benefits received. Payee change is done by court order. The local CSA decides whether to file an order changing payee to the caretaker with the court based on the anticipated length of the placement or other factors.
- If a caretaker is not receiving TANF benefits, the relative may petition the court for a change of payee.
- Substitute care includes placement in foster care, subsidized guardianship, group homes, child-caring institutions, and juvenile corrections. The current support obligation for a child placed in substitute care is assigned to the appropriate agency while the child is in placement.

### New Caretaker for children

- If no order exists in WI for the child/children and a new caretaker has custody, a petition for child support must be filed to establish support for the new caretaker.
- This same scenario applies if a child is placed in protective custody, if the parent does not have an existing child support obligation for the child. The petition for child support needs to be filed on behalf of the state.

### Obligation Frequency

- Support orders are charged on a monthly basis pursuant to the CS guidelines.
- System automatically converts orders of other frequencies (e.g., weekly, bi-weekly, etc.) to a monthly charge amount.

### Distribution of Support

- WI follows federal distribution rules.

### Enforcement Tools

- Administrative enforcement is based on court orders.
- If the order is foreign (jurisdictions outside of Wisconsin), the order must be registered in Wisconsin before any of the administrative enforcement functions like liens, credit bureau reporting, license suspension (driver's, occupational, and recreational), passport denial, and account seizure can be invoked.
- As a judicial state, contempt action is used regularly. Wisconsin may require the payor to pay a lump sum towards arrears.

### Child Support Lien/Credit Bureau Reporting

- Qualifies for lien docket/credit bureau reporting if the arrearage debt equals or is greater than \$500 or one month of support, whatever is greater.
- Lien arrearage debt does not include interest, fees or costs.

- The obligor cannot have a bankruptcy action pending and all obligors on the lien docket must have a SSN and all due-process timelines must have expired.
- Liens filed with the County Registry of Deeds and State Department of Transportation.
- Liens attach to real and personal property, not to a specific piece of property.
- Vehicle liens are effective only if the lien is printed on the title.
- Other states must initiate an interstate case if they want to place a lien in Wisconsin.

### **Review and Adjustment/Modifications**

- To meet federal requirements, CSAs must review TANF cases and non-aid cases (if non-aid: upon request of a CP or NCP) if at least 33 months have passed since the support order was established or adjusted. Notices are auto-generated, therefore out of state participants may receive WI notices.
- If a request for review is received outside of the 33 month cycle, the state must review and, if the requesting party demonstrates substantial change in circumstances, adjust the order according to the state's guidelines. The threshold is 15% and \$50 per month change in the ordered amount.
- All modifications are judicial. If parties agree to the modification, parties can do a stipulation and order, which must be approved/signed by a judge or court commissioner. If no agreement between the parties a hearing can be set.
- For an Intergovernmental case, submit a Uniform Support Petition with General Testimony and Transmittal #1.

### **Retroactivity**

- Modifications are retroactive to the date the petition to modify is filed with the court.
- A support order must be made retroactive to either:
  - Back to the date of filing of the action with the court.
  - In special circumstances, may go back to the date of birth of the child.

### **Paternity Acknowledgment/Paternity Affidavits/PATH (Paternity Acknowledgment Through Hospitals)**

- Full faith and credit is given to paternity determinations made by another jurisdiction regardless of whether it was made through voluntary acknowledgment, judicial, or administrative process. When sending to WI after paternity only was established in another state, a petition to establish support is filed in Wisconsin.
- Requests for certified copies of Wisconsin's Voluntary Paternity Acknowledgment must be made to: Wisconsin Department of Health Services, Office of Vital Records, PO Box 309, Madison, WI 53701-0309. A \$20.00 fee must be included with the request.
- If your jurisdiction will accept a certified copy of the birth query report from Wisconsin Office of Vital Records birth query data base, the jurisdiction may contact the Wisconsin Bureau of Child Support or a child support agency for an interstate birth query. This report will include a statement: Birth Facts Certified by State Registrar for Child Support Paternity Cases only. This report will also include the last paternity action or a marital indicator. There is no cost to the inquiring jurisdiction.

### **Case Closure**

- Wisconsin applies federal case closure criteria.
- The Child Support Agency must notify the initiating agency when it closes an interstate case.